

8566. Adulteration of candy. U. S. v. Hardie Brothers Co., and Alexander Hardie.
Pleas of guilty. Corporation fined \$75; individual fined \$3. (F. D. C.
No. 16526. Sample Nos. 75685-F, 90911-F, 92951-F.)

INFORMATION FILED: August 9, 1945, Western District of Pennsylvania, against the Hardie Brothers Co., a corporation, Pittsburgh, Pa., and Alexander Hardie, director and factory manager.

ALLEGED SHIPMENT: Between the approximate dates of December 6 and 9, 1944, from the Commonwealth of Pennsylvania into the States of Ohio, Kentucky, and Maryland.

LABEL, IN PART: "Nora-Lee Nut Fondant," "Yuletide Mixture," or "Sugar Jelly Stars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 8, 1945. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$75, and the individual was fined \$3.

8567. Adulteration of candy. U. S. v. 28 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16658. Sample No. 7087-H.)

LIBEL FILED: June 28, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 23, 25, and 29, 1945, by the Phoebe Phelps Caramel Co., from Boston, Mass.

PRODUCT: 28 cartons, each containing 36 1-pound tins, of candy at Long Island City, N. Y.

LABEL, IN PART: "Huyler's Since 1876 Caramels * * * vanilla and chocolate flavored chewy caramels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, wood splinters, and fragments of metal, paint, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8568. Adulteration of candy. U. S. v. 36 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16948. Sample No. 23621-H.)

LIBEL FILED: August 1, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 19, 1945, from Chattanooga, Tenn., by the Brock Candy Co.

PRODUCT: 36 cartons of candy at Houston, Tex.

LABEL, IN PART: (Cartons) "120 Crystal Jelly Drops Net Count."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted of a filthy substance in that it contained rodent hair fragments, weevils, insect fragments, and wood fragments.

DISPOSITION: September 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8569. Adulteration and misbranding of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15322. Sample No. 6084-H.)

LIBEL FILED: On or about March 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about February 5, 1945, by the Waldies Chocolate Co., Inc., from New York, N. Y.

PRODUCT: 30 boxes, each containing 24 1¼-ounce bars, of candy at Passaic, N. J.

LABEL, IN PART: "A New Taste Thrill! Cocoanut Candy * * * Ingredients: Sugar, Corn Syrup, Cocoanut, Creme of Maize, Chocolate, Artificial Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a chocolate-coated candy bar containing a filling most of which was corn flakes, with a small amount of coconut, had been substituted in whole or in part for coconut candy.

Misbranding, Section 403 (a), the label statement, "Cocoanut," was false and misleading as applied to the article; and, Section 403 (i) (2), the label

failed to bear the common or usual name of each ingredient, since "Creme of Maize" is not the common or usual name of corn flakes.

DISPOSITION: July 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8570. Adulteration and misbranding of candy. U. S. v. 204 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16320. Sample No. 249-H.)

LIBEL FILED: June 6, 1945, Western District of South Carolina.

ALLEGED SHIPMENT: On or about May 10, 1945, by the Holshouser Candy Co., from Charlotte, N. C.

PRODUCT: 204 boxes, each containing 30 bars, of candy at Chester, S. C. Examination revealed the presence of puffed cereal grains in this product, although the surface appeared to contain, mostly, peanuts. The product was short-weight.

LABEL, IN PART: "Holshouser's Peanut Bar 5¢ Net Weight 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture containing peanuts and puffed wheat had been substituted for "Peanut Bar," which the article was represented to be.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 8571 to 8575; that was below the standard for milk fat content, Nos. 8576 to 8580; and that was short of the declared weight, No. 8578.

8571. Adulteration of butter. U. S. v. Swift and Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 15553. Sample Nos. 85872-F, 85873-F.)

INFORMATION FILED: June 22, 1945, District of Colorado, against Swift and Co., a corporation, trading at Denver, Colo.

ALLEGED SHIPMENT: On or about October 17 and 18, 1944, from the State of Colorado into the State of Wyoming.

LABEL, IN PART: "Swifts Brookfield Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hairs, hair similar to rodent hair, colored fiber, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 24, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$100.

8572. Adulteration of butter. U. S. v. Farmer's Union Cooperative Creamery. Plea of guilty. Fine, \$100. (F. D. C. No. 15539. Sample No. 69347-F.)

INFORMATION FILED: June 12, 1945, District of Montana, against the Farmer's Union Cooperative Creamery, a corporation, Billings, Mont.

ALLEGED SHIPMENT: On or about June 27, 1944, from the State of Montana into the State of Washington.

LABEL, IN PART: "Butter * * * Consolidated Dairy Products Seattle Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, plant tissues, nondescript dirt, plant fibers, and sand; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.